

AMENDED IN SENATE MARCH 26, 2014

**SENATE BILL**

**No. 1344**

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**Introduced by Senator Evans**

February 21, 2014

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An act to ~~amend Section 452 of~~ *add Section 4474.10 to the Welfare and Institutions Code, relating to foster care: developmental services.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1344, as amended, Evans. ~~Foster care: transition jurisdiction.~~  
*Developmental services: Sonoma Developmental Center.*

*Existing law vests in the State Department of Developmental Services jurisdiction over specified state hospitals, referred to as developmental centers, which provide residential care to persons with developmental disabilities. Existing law requires the State Department of Developmental Services to comply with procedural requirements when closing a developmental center, including submitting a plan to the Legislature and holding at least one public hearing.*

*This bill would require the department to establish the Sonoma Developmental Center as the center of last resort for Northern California. The bill would require the department to confer and cooperate with the County of Sonoma to develop a detailed action plan, as specified, prior to establishing the Sonoma Developmental Center as a center of last resort and would require the County of Sonoma to ensure the inclusion and participation of certain community entities, including consumers living in the developmental center. By imposing additional duties on the County of Sonoma, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.*

*Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Existing law, generally provides that a minor who is a ward and in foster care placement, or a nonminor who is a ward in foster care placement who was a ward subject to an order for foster care placement on the day he or she attained 18 years of age and who did not turn 21 years of age prior to January 1, 2014, and who satisfies other specified criteria, is under the transition jurisdiction of the juvenile court. Existing law requires the court to hold a hearing prior to terminating transition jurisdiction over a nonminor dependent and requires the agency responsible for supervising a nonminor dependent subject to the court's transition jurisdiction to complete several actions, including submitting a report describing whether it is in the nonminor dependent's best interests to remain under the court's jurisdiction.~~

~~This bill would make technical, nonsubstantive changes to those provisions:~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. The Legislature finds and declares both of the*
- 2     *following:*
- 3     *(a) It is the intent of this act to establish a formal communication*
- 4     *process between the State Department of Developmental Services*
- 5     *and the community within and surrounding the Sonoma*
- 6     *Developmental Center in order to ensure that all stakeholders are*
- 7     *involved in the process of determining the future of the Sonoma*
- 8     *Developmental Center.*
- 9     *(b) There is a population within the developmentally disabled*
- 10    *community for whom community placement may not be appropriate*
- 11    *and this act is necessary to best meet the unique medical and*
- 12    *behavioral needs of the residents of the Sonoma Developmental*
- 13    *Center.*
- 14    *SEC. 2. Section 4474.10 is added to the Welfare and Institutions*
- 15    *Code, to read:*

1     4474.10. (a) The department shall establish the Sonoma  
2     Developmental Center as the center of last resort for northern  
3     California.

4     (b) (1) Prior to implementing subdivision (a), the department  
5     shall confer and cooperate with the County of Sonoma, as the lead  
6     local agency, to develop a detailed action plan. The County of  
7     Sonoma shall ensure inclusion and participation in developing  
8     the action plan of community entities, including, but not limited  
9     to, the following:

10    (A) Consumers living in the developmental center.

11    (B) Parents, family members, guardians, and conservators of  
12    persons living in the developmental center or their representative  
13    organizations, including, but not limited to, the Parent Hospital  
14    Association of Sonoma Developmental Center.

15    (C) Developmental center employees and employee  
16    organizations.

17    (D) The local regional center.

18    (2) The action plan developed pursuant to paragraph (1) may  
19    address all of the following:

20    (A) The appropriate strategy to ensure that the best Medi-Cal  
21    funding structure is available to a consumer, wherever he or she  
22    may live, who transitions from the Sonoma Developmental Center  
23    as a result of the implementation of subdivision (a).

24    (B) A program for the placement of staff of the Sonoma  
25    Developmental Center who may be displaced as a result of the  
26    implementation of subdivision (a) in similar positions in programs  
27    operated by, or through contract with, the county, regional centers,  
28    or other state departments.

29    (C) The disposition and re-use of medical and housing facilities  
30    located on Sonoma Developmental Center grounds, including, but  
31    not limited to, the reuse of land and open space that is a part of  
32    the Sonoma Developmental Center campus, that may no longer  
33    be required for the operation of the Sonoma Developmental Center  
34    as a result of the implementation of subdivision (a).

35    (c) For the purposes of this section, “center of last resort”  
36    means a developmental center that provides services to a small  
37    population of residents for whom community placement has been  
38    deemed insufficient.

39    SEC. 3. If the Commission on State Mandates determines that  
40    this act contains costs mandated by the state, reimbursement to

1 *local agencies and school districts for those costs shall be made*  
2 *pursuant to Part 7 (commencing with Section 17500) of Division*  
3 *4 of Title 2 of the Government Code.*

4 SECTION 1. ~~Section 452 of the Welfare and Institutions Code~~  
5 ~~is amended to read:~~

6 ~~452. (a) The court shall hold a hearing prior to terminating~~  
7 ~~transition jurisdiction over a nonminor dependent.~~

8 ~~(b) At a hearing during which termination of transition~~  
9 ~~jurisdiction over a nonminor dependent is being considered, the~~  
10 ~~court shall continue its jurisdiction to allow a nonminor dependent~~  
11 ~~who is eligible for foster care placement pursuant to Section 11403~~  
12 ~~to remain in foster care, unless the court finds that after reasonable~~  
13 ~~and documented efforts, the nonminor dependent cannot be located~~  
14 ~~or does not wish to remain a nonminor dependent. In making this~~  
15 ~~finding, the court shall ensure that the nonminor dependent has~~  
16 ~~had an opportunity to confer with his or her counsel and has been~~  
17 ~~informed of his or her options, including the right to reenter foster~~  
18 ~~care placement by completing a voluntary reentry agreement, as~~  
19 ~~described in subdivision (z) of Section 11400, and the right to file~~  
20 ~~a petition pursuant to subdivision (c) of Section 388 to resume~~  
21 ~~transition jurisdiction pursuant to Section 450.~~

22 ~~(c) The agency responsible under the county protocol for~~  
23 ~~supervising a nonminor dependent subject to the court's transition~~  
24 ~~jurisdiction shall complete all of the following actions for a hearing~~  
25 ~~during which termination of transition jurisdiction over a nonminor~~  
26 ~~dependent is being considered:~~

27 ~~(1) Ensure that the nonminor dependent is present in court for~~  
28 ~~the hearing, unless the nonminor dependent has waived his or her~~  
29 ~~right to appear in court and elects to appear by telephone instead,~~  
30 ~~or document the reasonable efforts it made to locate the nonminor~~  
31 ~~dependent when the nonminor dependent is not available to appear~~  
32 ~~at the hearing.~~

33 ~~(2) Submit a report describing whether it is in the nonminor~~  
34 ~~dependent's best interests to remain under the court's jurisdiction.~~

35 ~~(3) Submit the completed 90-day transition plan.~~

36 ~~(4) The placing agency's report shall address the manner in~~  
37 ~~which the nonminor was informed of his or her right to reenter~~  
38 ~~foster care prior to attaining 21 years of age, if the nonminor~~  
39 ~~dependent has indicated that he or she does not want juvenile court~~  
40 ~~transition jurisdiction to continue.~~

1     ~~(5) Submit written verification that the information, documents,~~  
2     ~~and services set forth in paragraphs (1) to (8), inclusive, of~~  
3     ~~subdivision (e) of Section 391 have been provided to the nonminor~~  
4     ~~dependent.~~

5     ~~(6) Certify that the requirements set forth in Section 607.5 have~~  
6     ~~been completed.~~

7     ~~(d) If the court terminates transition jurisdiction, the nonminor~~  
8     ~~shall remain within the general jurisdiction of the court until the~~  
9     ~~nonminor attains 21 years of age to allow for the filing of a petition~~  
10    ~~to resume juvenile court transition jurisdiction under subdivision~~  
11    ~~(e) of Section 388, although no review proceedings shall be~~  
12    ~~required.~~